

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
EASTERN DIVISION**

Emily Becker, Calli Forsberg, Morgan)	
Stenseth, and Maya Tellman,)	ORDER
)	
Plaintiffs,)	Case No. 3:22-cv-100
)	
vs.)	
)	
The North Dakota University System,)	
)	
Defendant.)	
)	

Before the Court is Plaintiffs Emily Becker’s, Calli Forsberg’s, Morgan Stenseth’s, and Maya Tellman’s (together, the “Plaintiffs”) motion for clarification. Doc. No. 26. They seek to clarify whether the order and judgment filed as to the motion to dismiss (Doc. Nos. 24 and 25) are a final judgment within the meaning of 28 U.S.C. § 1291 and whether they may file an amended complaint.

In the order on the motion to dismiss, this Court concluded that, as alleged in the complaint, the Plaintiffs failed to establish Article III standing. Doc. No. 24. Without Article III standing, the Court does not have subject matter jurisdiction over the action and must dismiss the case without prejudice. Knutson v. Ludeman, No. 10-CV-0357 PJS LIB, 2011 WL 808189, at *1 (D. Minn. Mar. 1, 2011) (first citing City of Kan. City, Mo. v. Yarco Co., 625 F.3d 1038, 1040 (8th Cir. 2010); and then citing Romero v. Pinnacle Equities, LLC, 283 Fed. Appx. 429, 431 (8th Cir. 2008)). Which is what the order said here. Doc. No. 24. The order dismissed and closed the case, and ordered that judgment be entered accordingly. Id. The judgment closing the case was filed the same day. Doc. No. 25.

From this Court's perspective, the order and judgment closed this case (because the Court did not have subject matter jurisdiction). The Plaintiffs may not file an amended complaint, as this case is now closed. Because the dismissal was without prejudice, however, nothing precludes the Plaintiffs from filing a new action with this Court. Accordingly, the motion for clarification (Doc. No. 26) is **GRANTED**, consistent with the clarifications noted above.

IT IS SO ORDERED.

Dated this 2nd day of February, 2023.

/s/ Peter D. Welte
Peter D. Welte, Chief Judge
United States District Court